IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12624 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 NO

AMBICA NIKETAN MEDICAL TRUST

Versus

PADMINI N BAROT

Appearance:

1. Special Civil Application No. 12624 of 2000

MS KJ BRAHMBHATT for Petitioner No. 1

MR DG CHAUHAN for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 22/04/2002

ORAL JUDGEMENT

1. After the matter being argued at some length and after prolonged negotiations between the parties, they have come to an amicable settlement under which the

petitioner has agreed to pay to the respondent 45% of backwages from the date of termination till the date of the award and 50% of backwages from the date of the award till the date of actual reinstatement. The petitioner has also agreed to pay to the respondent the wages at the current rate, considering the continuity of service since the date of termination, for the period from the date of her actual reinstatement. And, accordingly, the due amount of difference between the wages actually paid and the wages payable as agreed is also required to be paid. The learned counsel requested that time of three weeks may be granted for making the payment according to the above understanding.

2. Accordingly, the petition is partly allowed and the impugned award and the order below it stands modified to the extent that the respondent shall be reinstated with continuity of service, but with backwages as agreed to be modified and as recorded hereinabove. The petitioner shall pay to the respondent the amounts calculated on the basis of the above agreed terms on or before 18.5.2002. Rule is made absolute accordingly with no order as to costs.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)